

# Collateral Support Lender Certification

California Pollution Control Financing Authority • 915 Capitol Mall Room 457 • Sacramento, CA 95814 • CalCAP@treasurer.ca.gov • 916.654.5610

## Enrolling a loan in CalCAP requires the Participating Financial Institution to certify each of the following program rules and requirements

\* all capitalized terms are defined in 4 CCR §8070 of the California Code of Regulations.

- 1) The loan is a Qualified Loan as defined in 4 CCR §8070(s) of the California Code of Regulations.
- 2) The business receiving the Qualified Loan is a Qualified Business, as defined in 4 CCR §8070(r) or 4 CCR §8078.2(c) with 750 or fewer employees.
- 3) The Qualified Loan is for a business activity that has its Primary Economic Effect in California as defined in 4 CCR §8070(o) of the CPCFA Regulations.
- 4) The Participating Financial Institution will provide information from financial records of the Borrower upon request of the Executive Director of the CPCFA, and the Participating Financial Institution has obtained the consent of the Borrower to such disclosure.
- 5) The Participating Financial Institution has obtained a written representation from the Borrower that the Borrower has no legal, beneficial or equitable, interest in the Fees or the support.
- 6) The enrolled amount does not exceed \$2,500,000.
- 7) The Participating Financial Institution has obtained a written representation from the Borrower that it has secured or made application for all applicable licenses or permits needed to conduct its business.
- 8) The Participating Financial Institution has not, and will not, enroll the same loan or portion thereof in any other government program substantially similar to the Program.
- 9) The Borrower has received the CPCFA/CalCAP Privacy Notice.

**For participation in the Federal fund, the Participating Financial Institution must obtain the following assurances from the Borrower per 4 CCR §8078.2 of the California Code of Regulations:**

- 10) The loan is used for a business purpose allowed by the U.S. Treasury.
- 11) The loan will not be used for purposes prohibited by the U.S. Treasury.
- 12) The loan will not be used to finance ineligible businesses prohibited by the U.S. Treasury.

**For participation in the Federal fund, the Lender hereby certifies to the State the following:**

- 13) The loan has not been made in order to place under the protection of the state program prior debt that is not covered under the state program and that is or was owed by the borrower to the lender or to an affiliate of the lender.
- 14) The loan is not a refinancing of a loan previously made to that borrower by the lender or an affiliate of the lender.
- 15) The lender is not attempting to enroll the unguaranteed portions of SBA-guaranteed loans.
- 16) As required by Section 3011(c)(2) of the Small Business Jobs Act of 2010, the private entity hereby certifies to the State that the Principals of the private entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this Certification, Principal means the following: if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20% or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20% or more of the ownership stock or stock equivalent of the entity.
- 17) The Participating Financial Institution acknowledges that its lending activities are subject to safety and soundness standards as set forth in any applicable federal banking regulations.

By signing below and enrolling this loan the Participating Financial Institution certifies, based in part on information provided by the Borrower, that each above assurances is true and accurate.

Lender Loan #: \_\_\_\_\_ Borrower Name: \_\_\_\_\_

Authorized Lender \_\_\_\_\_ Date \_\_\_\_\_  
Signature \_\_\_\_\_